

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 CAROLYN SIOUX GREEN,

11 Plaintiff,

12 v.

13 STATE OF WASHINGTON, *et al.*,

14 Defendants.

CASE NO. C22-5258-JCC

ORDER ADOPTING REPORT  
AND RECOMMENDATION

15 This matter comes before the Court on Plaintiff Carolyn Sioux Green's motion for leave  
16 to proceed *in forma pauperis* (Dkt. No. 1) and defendant's motion to remand (Dkt. No. 3). The  
17 Honorable Theresa L. Fricke, United States Magistrate Judge, issued a Report and  
18 Recommendation ("R&R") (Dkt. No. 11) advising the Court to GRANT Defendant's motion to  
19 remand and DENY Plaintiff's motion for leave as moot; Plaintiff objects. (Dkt. No. 17.) For the  
20 reasons described below, the Court hereby ADOPTS the R&R, GRANTS Defendant's motion,  
21 and DENIES Plaintiff's pending motions as moot.

22 On October 8, 2020, Plaintiff filed this matter in the Thurston County Superior Court.  
23 (Dkt. No. 1-1.) Plaintiff later filed a notice of removal to this Court pursuant to 28 U.S.C.  
24 § 1441, and Defendant Providence St. Peter Hospital moved to remand. (Dkt. Nos. 1-1, 3.) There  
25 is currently a trial date scheduled and a pending motion for summary judgment in this action in  
26 Superior Court. (Dkt. No. 1-4 at 65.) Magistrate Judge Fricke recommends remanding this matter

1 because removal under 28 U.S.C. § 1441 is not available to Plaintiff and her notice of removal is  
 2 improper. (Dkt. No. 11 at 2 (citing *Home Depot U.S.A., Inc. v. Jackson*, 139 S. Ct. 1743, 1749  
 3 (2019) (holding section 1441 does not allow plaintiffs to remove an action that was originally  
 4 filed in state court).)

5         A district court must conduct a *de novo* review of those portions of a magistrate judge's  
 6 R&R to which a party properly objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A party  
 7 properly objects when he or she files "specific written objections" to the magistrate judge's R&R  
 8 as required under Federal Rule of Civil Procedure 72(b)(2). In contrast, general objections or  
 9 summaries of arguments previously presented have the same effect as no objection at all since  
 10 they do not focus the Court's attention on any specific issues for review. *Howard v. Sec'y of*  
 11 *Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). This Court's consideration of such  
 12 "objections" would entail *de novo* review of the entire report, rendering the referral to the  
 13 magistrate judge useless and causing a duplication of time and effort that wastes judicial  
 14 resources and contradicts the purposes of the Magistrates Act. *Id.* Accordingly, *de novo* review is  
 15 not required when a party fails to direct the court to a specific error in the R&R. *Strawbridge v.*  
 16 *Sugar Mountain Resort, Inc.*, 243 F. Supp.2d 472, 475 (W.D.N.C. 2003).

17         Plaintiff argues that this Court has jurisdiction due to her constitutional challenges but  
 18 does not refute Judge Fricke's conclusion that *removal* is unavailable to her pursuant to 28  
 19 U.S.C. § 1441. (*See generally* Dkt. No. 17.) As Plaintiff has not directed the Court to a specific  
 20 error in the R&R, *de novo* review is not required. *Strawbridge*, 243 F. Supp.2d at 475.

21         For the foregoing reasons, the Court hereby ADOPTS the R&R (Dkt. No. 11),  
 22 OVERRULES Plaintiff's objections (Dkt. No. 17), and GRANTS Defendant's motion to remand  
 23 (Dkt. No. 3). Plaintiff's pending motions (Dkt. Nos. 1, 14, 82) are DENIED and Plaintiff's  
 24 claims are REMANDED to the Thurston County Superior Court. The Clerk is DIRECTED to  
 25 mail a certified copy of this Order to the Clerk of the Thurston County Superior Court.

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DATED this 7th day of July 2022.

John C. Carpenter

John C. Coughenour  
UNITED STATES DISTRICT JUDGE